



February 15, 2002

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## ENGROSSED HOUSE BILL No. 1188

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DIGEST OF HB 1188 (Updated February 14, 2002 8:47 AM - DI 106)

**Citations Affected:** IC 11-12.

**Synopsis:** Jail inspections. Requires the department of correction (DOC) to inspect each county jail at least one time each year. Provides that the DOC commissioner may recommend that a grand jury be convened to tour and inspect a county jail, if the jail is noncompliant for at least six months.

**Effective:** July 1, 2002.

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### Sturtz, Ulmer, Foley

(SENATE SPONSORS — BRAY, ALEXA, ANTICH, WATERMAN,  
CRAYCRAFT)

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January 10, 2002, read first time and referred to Committee on Judiciary.

January 22, 2002, reported — Do Pass.

January 28, 2002, read second time, ordered engrossed. Engrossed.

January 30, 2002, read third time, passed. Yeas 93, nays 0.

#### SENATE ACTION

February 1, 2002, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

February 14, 2002, reported favorably — Do Pass.

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EH 1188—LS 6691/DI 105+



February 15, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## ENGROSSED HOUSE BILL No. 1188

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A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 11-12-4-2 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The department  
3       shall inspect each county jail at least ~~semiannually~~ **one (1) time each**  
4       **year** to determine whether it is complying with the standards adopted  
5       under section 1 of this chapter. If the department determines that a jail  
6       is not complying with the standards, the commissioner shall give  
7       written notice of this determination to the county sheriff, the board of  
8       county commissioners, the prosecuting attorney, the circuit court, and  
9       all courts having criminal or juvenile jurisdiction in that county. This  
10      notice must specify which standards are not being met and state the  
11      commissioner's recommendations regarding compliance.

12      (b) If after six (6) months from the date of the written notice the  
13      department determines that the county is not making a good faith effort  
14      toward compliance with the standards specified in the notice, the  
15      commissioner may:

16          **(1)** petition the circuit court for an injunction prohibiting the  
17          confinement of persons in all or any part of the jail, or otherwise

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1 restricting the use of the jail; or

2 **(2) recommend, in writing, to the prosecuting attorney and**  
3 **each court with criminal or juvenile jurisdiction that a grand**  
4 **jury be convened to tour and examine the county jail under**  
5 **IC 35-34-2-11.**

6 (c) Upon receipt of notice by the commissioner that the jail does not  
7 comply with standards adopted under section 1 of this chapter, the  
8 sheriff may bring an action in the circuit court against the board of  
9 county commissioners or county council for appropriate mandatory or  
10 injunctive relief.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1188, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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EH 1188—LS 6691/DI 105+



SENATE MOTION

Mr. President: I move that Senator Antich be added as cosponsor of Engrossed House Bill 1188.

BRAY

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SENATE MOTION

Mr. President: I move that Senators Waterman and Craycraft be added as cosponsors of Engrossed House Bill 1188.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1188, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1188 as printed January 23, 2002.)

LONG, Chairperson

Committee Vote: Yeas 10, Nays 0.

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EH 1188—LS 6691/DI 105+

